

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ANTHONY MCCLENDON,

Plaintiff,

Case No. 2:12-cv-230

v.

Honorable R. Allan Edgar

PATRICIA CARUSO, et al.,

Defendants.

MEMORANDUM AND ORDER

On February 19, 2014, U.S. Magistrate Judge Timothy P. Greeley entered a Report and Recommendation (“R&R”) in this case concerning Defendants’ motion for summary judgment. Doc. No. 49. Magistrate Judge Greeley found that the filed grievances indicated that Plaintiff had failed to properly exhaust his claims, but that Defendants had failed to authenticate the documents offered in support of their motion. Magistrate Judge Greeley recommended that Defendants’ motion be denied without prejudice unless they offered proper authentication for the documents they had filed during the objections period. If Defendants did so, Magistrate Judge Greeley recommended that their summary judgment motion be granted. In response, Defendants have filed an affidavit from MDOC Grievance Section Manager Richard D. Russell. Doc. No. 51-2. Russell asserts that the grievance report attached to Defendants’ summary judgment motion is a true and accurate copy, and lists the same grievances previously attached to Defendants’ motion as being the complete list of grievances found on the grievance report. Defendants have therefore properly

authenticated their documents. The Court agrees with Magistrate Judge Greeley's analysis that Plaintiff failed to properly exhaust his claims.

Magistrate Judge Greeley's R&R [Doc. No. 49] is APPROVED and ADOPTED as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. L. Civ. R. 72.3(b). Defendants' motion for summary judgment [Doc. No. 26] is GRANTED. Plaintiff's case is DISMISSED WITHOUT PREJUDICE in its entirety. Plaintiff's motion to strike [Doc. No. 46] is DENIED AS MOOT. A Judgment consistent with this Memorandum and Order will be entered.

SO ORDERED.

Dated: 3/5/2014

/s/ R. Allan Edgar
R. Allan Edgar
United States District Judge